

SEP 19 2

In re Application of: ZUCKER-FRANKLIN, et al.

Serial No.: 09/543,782

Filed: April 6, 2000

For: ASSAYS FOR HUMAN T-CELLS

Art Unit: 1655

Examiner: C. WILDER

Washington, D.C.

Atty.'s Docket: ZUCKER-FRANKLIN=1A

Date: September 14, 2001

SEP 14 2001

RESPONSE UNDER 37 CFR 1.118
EXPEDITED PROCEDURE
EXAMINING GROUP 1655

THE COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Sir:

Sir:
Transmitted herewith is an [] Amendment [XX] Amendment After Final

☐ Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.

[] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

[XX] No additional fee is required.

The fee has been calculated as shown below:

Sl. No.	Particulars	Amount	Total	Remarks
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

If the "Highest Number Previously Paid For" IN THIS SPACE is less than 5, write "5" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col.1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

Conditional Petition for Extension of Time
If any extension of time for a response is required applicant requests that this be considered a petition therefor.

[] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Other Than Small Entity

Response Filed Within

Response Filed Within

First - \$ 55.00

☐ First - \$ 110.00

First	\$195.00
Second	\$195.00

() Second - \$ 390.00

[]	Second	-	\$445.00
[]	Third	-	\$445.00

[] Second - \$ 570.00
[] Third - \$ 890.00

[3] Third	\$712.00
[1] Fourth	\$695.00

[] Third	\$ 970.00
[] Fourth	\$ 1390.00

11 Less fees (\$) already paid for months extension of time on

[] Please charge my Deposit Account No. 02-4035 in the amount of \$ _____. A duplicate copy of this sheet is attached.

☐ A check in the amount of \$ _____ is attached (check no. _____).

[] Credit Card Payment Form, PTO-2038, authorizing payment in the amount of \$ _____ is attached.

[X] Credit Card Payment Form PTO-2038, authorizing payment in the amount of \$_____.

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR Section 1.16 and all patent processing fees under 37 CFR Section 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR Section 1.18.

BROWDY AND NEIMARK
Attorneys for Applicant(s)

Facsimile: (202) 737-3528
Telephone: (202) 628-5197

By: Anne M. Kornbau
Registration No. 25,884

SEP 1 1991
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S LOCKET: ZUEKER-FRANKLIN-1A

In re Application of:) Art Unit: 1695
 ZUEKER-FRANKLIN, et al.) Examiner: C. WILDEF
 Serial No.: 09 543,782) Washington D.C.
 Filed: April 6, 2000) September 14, 2001
 For: ASSAYS FOR HUMAN T-CELL)
 LYMPHOTROPIC VIRUS)
 TYPES I AND II)

RECEIVED

SEP 18 2001

TECH CENTER 1600 2900

AMENDMENT AFTER FINAL

Honorable Commissioner of Patents and Trademarks
 Washington, D.C. 20231

In response to the Office Action of June 18, 2001,
 please enter the following amendment:

IN THE CLAIMS

Cancel claims 3-10 without prejudice or disclaimer,
 applicants reserving the right to submit these claims in a
 later-filed divisional application.

Please amend claim 1 as follows:

1. (Twice Amended) A method of screening blood
 donors or potential blood donors for carriers of diseases or
 conditions related to HTLV-I and/or HTLV-II infection,
 comprising:

testing a sample from the donors or potential donors
 for the presence of a DNA which encodes the HTLV-I Tax protein
 or the HTLV-II Tax protein;

wherein a positive test indicates the presence of:

(a) HTLV-I and/or HTLV-II Tax protein;

(b) DNA which encodes the HTLV-I Tax protein and/or